IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 1356 OF 2006

IN

FIRST APPEAL (St.) NO. 5310 OF 2006

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr.S.K.More i/by Mr. S. M. Naik for Applicant.

None for the Respondents.

CORAM: S.B.DESHMUKH, J.

DATE : 18TH AUGUST,2006

P.C.:

Heard learned Counsel, Shri S. K. More, instructed by Mr. S. M. Naik, learned Counsel for the applicant. None appears for the respondents.

2. By this application, the applicant is seeking condonation of delay of about 30 days occurred in filing the first appeal in this Court.

3. The applicant has explained the delay in paragraph no.3 of the application. It is alleged that the certified copy initially obtained by the applicant, has been misplaced. The applicant thereafter again applied and obtained the certified copy on 28th February, 2006. Thereafter, this appeal is filed. During this process, the delay of about 30 days is caused.

4. There is no reply affidavit filed on behalf of the respondent. The allegations made in paragraph no.3, stands unrefuted. The explanation tendered is just and sufficient. No malafide is alleged by the respondent by filing affidavit.

5. In this view of the matter, the delay of about 30 days in filing the first appeal is condoned. Civil application, accordingly, is allowed and disposed of.

Sd/-

(S.B.DESHMUKH, J.)